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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,752	09/19/2003	Jeffrey D. Rutland	10001896-5	6975

7590 04/05/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

NGUYEN, JUDY

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,752

Applicant(s)

RUTLAND ET AL.

Examiner

Judy Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/19/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Applicant's request for Corrected Filing Receipt filed on 03/19/2004 is noted. The correction will be processed in due course.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 14-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 14, the recitation of ``the fluid interconnect **opening** and the screen is brought **into contact with** the fluid interconnect **opening**'' (line 3+ from the bottom of the claim) is indefinite. It is unclear how the opening can be into contact with itself. Remaining claims are also rejected due to their dependency directly on claim 14.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5, 7-18, 20-36, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soga et al (US 6,082,852) in view of Ma et al (US 5,085,698).

Soga et al discloses the following claimed features:

- A containment vessel (2a)
- A body of reservoir material (3a) disposed in the vessel
- A fluid interconnect opening (6a) formed in the vessel
- A screen (5a) disposed in the containment vessel and across the interconnect opening
- The screen pore size of 40 microns (column 8, line 39+)
- An inkjet print cartridge (11a) comprising an inkjet printhead (15a)

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- A receiving station (the carriage; column 9; second paragraph)
- A filter (13a) in a fluid interconnect structure (12a)
- A vent opening (4a)
- The steps recited in the method claims are considered inherent functions associated with the aforementioned structures.

Soga et al discloses all features of the claimed invention except for a supply of pigmented liquid ink disposed in the containment vessel.

However, Ma et al discloses using pigmented ink for ink jet printers because it gives printing images with good print quality, water and smear resistance, lightfastness, and storage stability (Abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the pigmented ink as taught by Ma et al as an ink supply in the reservoir of Soga et al for the purposes of producing printing images having good print quality, water and smear resistance, lightfastness, and storage stability.

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6. Claims 6, 19, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soga et al (US 6,082,852) in view of Ma et al (US 5,085,698) as applied to claims 1-3, 5, 7-18, 20-36, 38 above, and further in view of Dietl et al (US 5,085,698).

Soga et al as modified discloses all features of the claimed invention including the screen 5a being made from various material including a resin mesh.

However, Soga et al does not disclose the particular type of resin such as polyester mesh as recited in the claim.

Nevertheless, Dietl et al discloses a polyester mesh filter 48 (column 5, line 53) uses to prevent debris or air bubbles from entering the ink pipe connector and thus to the printhead.

Since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious choice (See MPEP 2144.07) and since the material such as polyester is a known material for the intended purpose of preventing debris or air bubbles from passing there through as evidenced by Dietl et al, it would have been obvious to one having ordinary skill in the art at the time the

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invention was made to select any suitable material including polyester mesh as taught by Dietl et al as the material for the screen of Soga et al for the purpose of providing a filter that can prevent debris or air bubbles from entering the ink pipe connector and thus to the printhead.

7. This is a continuation of applicant's earlier Application No. 09/747241. All claims are drawn to the same invention claimed in the earlier application and have been finally rejected on the grounds and art of record. Accordingly, THIS ACTION IS MADE FINAL even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for

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reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judy Nguyen whose telephone number is (571) 272-2258. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Judy Nguyen
Primary Examiner
April 1, 2004